



**CALFED
BAY-DELTA
PROGRAM**

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Date: August 7, 1997

To: USACE, District Engineer
Attn: Art Champ
USEPA, Regional Administrator
Attn: Karen Schwinn

From: Lester A. Snow
Executive Director

Subject: "Pre-Application" Consultation for Section 404(b)(1)

This memo follows up on the agency coordination meeting held on July 2, 1997. In the meeting, we indicated that we would use this memo to: document past progress toward obtaining the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) programmatic approval for the CALFED Bay-Delta Program's (Program) preferred programmatic alternative, to present our approach for narrowing of alternatives, and to demonstrate that new storage and conveyance facilities are needed after demand reduction and other measures have been fully exercised.

Past Progress

The Program's programmatic EIR/S will not result in application to the Corps for a Clean Water Act Section 404(b)(1) permit since specific projects will not be identified. However, the Program initiated discussions with the Corps and EPA in mid-1996 to establish a strategy for obtaining programmatic approval from the Corps and EPA for the Program preferred alternative to be described in the upcoming EIS/R. The Program was interested in regulatory assurance that the preferred alternative can be pursued during Phase III without re-visiting all alternatives previously evaluated and eliminated from consideration in Phases I and II. Additionally, it was thought that while subsequent NEPA/CEQA documents and 404(b)(1) analyses will be required as specific projects come on-line, the scope of those documents would be reduced with the Corps and EPA's programmatic approval.

In a series of meetings and correspondence between the Program the Corps and EPA, the issues of Purpose and Need Statement for the Programmatic EIR/S and the approach for alternative screening were discussed. The Corps and EPA were instrumental in developing 404(b)(1) compatible language for the Purpose and Need Statement. Further, the Corps and EPA were in agreement with the Program's intent to screen alternatives using the public scoping process as well as factors such as engineering feasibility, costs and environmental impacts.

CALFED Agencies

California The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

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Narrowing Process

The Program has followed the agreed upon approach for narrowing alternatives. Phase I began with over 100 possible alternatives that would address the identified problems in the Bay-Delta. These alternatives were refined, consolidated and reduced through public scoping and an open process involving CALFED agencies, stakeholders, and the general public, to 3 alternatives containing 17 variations. The narrowing of alternatives was based on screening criteria including engineering feasibility, costs, and a set of tools such as Program solution principles and objectives which were used as a measure of logistical constraint. The Corps and EPA's guidance during Phase I was helpful in the narrowing of alternatives. The results of Phase I are documented in the report entitled, *"Draft Appendices - Phase I Summary Report"* (June 21, 1996). We are currently adding some information to that document and will provide you with a copy as soon as it is updated.

The alternatives surviving the Phase I screening were carried forward to Phase II. During this phase, the 17 variations of the 3 alternatives are being further refined, consolidated and reduced by a process similar to that used in Phase I. This process is described in the document titled, *"Decision Process to Draft Preferred Alternative"* (Attachment 1). Technical information and data are being developed by Program staff, participating agencies, and consultants that will support the screening process. We have completed an initial alternative narrowing effort based on the process outlined in Attachment 1. The results of this effort are presented in the document titled, *"Alternative Narrowing Process"* (Attachment 2). Attachments 1 and 2 should be generally familiar to you. Attachment 1 was included in the July 11 Bay-Delta Advisory Council's (BDAC) packet, the information was presented to BDAC on July 22, 1997, and the packet was also sent to the Policy Coordination Team (PCT) on June 25, 1997. Information in Attachment 2 was discussed with the PCT on July 15, 1997, and the attachment was sent to the PCT in preparation for the PCT ad-hoc meeting of July 31, 1997. The two attachments were later supplemented to reflect comments received from PCT and BDAC. The supplemental documents are titled, *"Distinguishing Characteristics to be Used in Detailed Evaluation"* (memorandum), and *"Recommendations of Alternatives to Eliminate During Narrowing Process"* (memorandum). These five documents summarize the alternative narrowing process to date.

The CALFED Surface Storage Facilities Screening Committee, a multi-disciplinary advisory group, meets regularly to evaluate representative potential storage sites which could become a project feature of some of the alternative variations. This committee is narrowing the array of potential surface storage facilities by once again applying screening criteria such as engineering feasibility and cost. The surface storage site narrowing process is described in, *"Screening Process for Surface Water Storage Components"* (Attachment 5). Both the Corps and EPA have been and continue to be involved in this effort.

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The potential impacts of the alternative variations are currently being described. The results of the impact analyses will also support the alternative narrowing and surface storage facilities screening processes. Similarly, efforts to comply with other environmental laws are underway (ESA, Section 106, etc.). The results of these efforts will be used to support the alternative narrowing and the surface storage facilities screening processes.

During Phase III, specific projects would be proposed based upon the CALFED programmatic preferred alternative. Additional NEPA and CEQA documentation would be required for each proposed project. As appropriate, projects affecting Waters of the U.S. would prepare a 404(b)(1) Analysis in addition to other regulatory documentation. The proponent for each specific project would be required to prepare the documentation and obtain the appropriate permits or approvals.

Need for Storage and Conveyance

The Program is in the process of preparing a document which would evaluate the need for additional storage and conveyance. This document will be provided to you as soon as it is available.

The Program intends to prepare the Pre-Application Consultation document on a parallel path with preparation of the Programmatic EIR/S. Close coordination with Sacramento District and Region IX is critical to the success of the Pre-application Consultation document.

The tentative schedule for preparation of the Pre-Application Consultation document and associated meetings with EPA and the Corps would be as follows:

◆ Acquire consultant services for document preparation	July 1997
◆ Mid-Course Agency Meeting	September 1997
◆ Initiate preparation of "Pre-Application" document	October 1997
◆ Agency coordination meeting(s)	TBA
◆ Draft Pre-Application Consultation document	January 1998
◆ Final Pre-Application Consultation document	November 1998

We would appreciate your review of the five attachments and suggest that we use the scheduled "mid-course" meeting in September to:

- discuss any questions or concerns you might have about the information in the attachments; and
- discuss an approach for documenting your respective agreement that the alternative narrowing and surface storage screening processes are an appropriate step toward obtaining programmatic approval of the preferred alternative.

If you have any questions, please contact Mr. Frank Piccola at (916) 657-2666.